

SHORTHAND REPORTING

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

AARON BERKOWITZ, C.S.R.

TO PRACTICE COURT REPORTING
IN THE STATE OF NEW JERSEY

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: Administrative Action
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: FINAL ORDER
: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of the 2006-2008 biennial renewal application of respondent Aaron Berkowitz. A review of this document revealed that the respondent answered "no" to the question in the renewal application inquiring as to whether he had satisfied the continuing education requirements mandatory for the renewal of his court reporting certificate. The Board has reviewed the renewal application, and other relevant documents on which the following findings of facts and conclusions of law are made:

FINDINGS OF FACTS

1. Respondent, Aaron Berkowitz, C.S.R., is a certified court reporter in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about August 2006, the Board office reviewed Mr. Berkowitz's renewal application and noted that he advised that he had not completed the required continuing education courses for renewal of his certificate for the 2006-2008 licensure period.

3. In a correspondence, forwarded to the respondent in August 2006 via regular mail, Mr. Berkowitz was requested to provide to the Board a written explanation of his failure to satisfy the continuing education requirements within thirty (30) days of his receipt of the Board's letter.

4. After receiving no response from the respondent by the requested date, a second letter was sent to Mr. Berkowitz, via certified mail, requesting a response to the August 2006 correspondence.

5. A green receipt card from the certified mailing indicates that Mr. Berkowitz received this document on or about November 21, 2006.

CONCLUSIONS OF LAW

1. Respondent's failure to furnish the Board with the requested information constitutes a failure to cooperate with the Board pursuant to N.J.A.C. 13:45C-1.3.

2. This failure to cooperate consequently subjects the respondent to sanctions pursuant to N.J.S.A. 45:1-21(h),

namely, his failure to comply with an act or regulation administered by the Board.

3. The Board further concludes that this Provisional Order only addresses the respondent's failure to cooperate with the Board as required by N.J.S.A. 45:1-21(h) and N.J.A.C. 13:45C-1.3 and that the Board is not precluded from action on the allegations of the respondent's failure to complete the required continuing education credits, if substantiated.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which among other sanctions provisionally suspended the respondent's certificate to practice court reporting in the State of New Jersey until such time as the respondent completed the required continuing education, was entered on May 21, 2007 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or

other written evidence supporting respondent's request for consideration and reasons therefor.

Mr. Berkowitz responded to the Provisional Order in a correspondence dated June 7, 2007. In this letter, the respondent requested either a waiver of the continuing education requirements due to a medical condition, or in the alternative, an extension of time within which to complete the outstanding continuing education credits.

The Board reviewed the respondent's submission at its next available meeting. Based upon the reviewed submission, the Board determined that Mr. Berkowitz had produced sufficient mitigating evidence to warrant an extension of the time to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1. Hence, the Board determined to grant the respondent's request and authorize an extension of time, until December 31, 2008, for respondent to complete the outstanding continuing education credits. The Board concluded to rescind the proposed suspension of the respondent's certificate and civil penalty on the condition that he successfully complete the outstanding continuing education credits, namely fifteen (15) credits, within the extended time period. Further, the Board directed that if the outstanding credits were not completed by December 31, 2008, the respondent's certificate to practice court

reporting was to be automatically suspended, effective January 1, 2009, and the civil penalty reinstated paid by the respondent by January 15, 2008.

In or about July 2008, prior to the finalization of this matter, Mr. Berkowitz contacted the Board office, during the time for the biennial renewal for the licensure period of 2008-2010, and requested that his certificate be placed on inactive status for the new licensure period. The respondent's request was reviewed by the Board at its September 2008 meeting. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials indicated that Mr. Berkowitz was no longer practicing in New Jersey. Thereafter, the Board voted to grant the respondent's request that his court reporting certificate be placed in inactive status and to rescind the Provisional Order in its entirety.

ACCORDINGLY, IT IS on this 17th day of

NOVEMBER 2008 ORDERED that:

1. The Provisional Order entered against the Respondent, Aaron Berkowitz, C.S.R., on May 21, 2007, is hereby rescinded.

2. The respondent's certificate to practice court reporting in the State of New Jersey is hereby placed on inactive

status, pursuant to N.J.S.A. 45:1-7.3(b), effective on the entry of this Final Order.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: _____



MARIANNE CAMMAROTA, C.S.R.
President